

Judicial Appointments, Politics, and Family in Early 19th-Century Connecticut:

The Case of David Bolles (1765-1830) of Ashford, Connecticut

By

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Fake news. *Ad hominem* attacks. Allegations of nepotism and political corruption.

Inappropriate emoluments. Tribal party politics. It sounds like a story from 2018 or 2019, but in fact the events at issue took place two centuries earlier. The controversies centered around the appointment of my third great-grandfather, David Bolles, Jr. (1765-1830), as a Justice of the *quorum* in Windham County, Connecticut in 1817, his subsequent appointment as Judge of the County Court, and the appointment of his son, David C. Bolles (1793-1840), as Clerk of the County Court.

Born in Ashford (now Eastford), Connecticut in 1765, Bolles was a farmer, local lawyer, and, like his father, David Bolles, Sr. (1743-1807), a sometimes tanner. His early years were marked by his family's deep Baptist faith. David Bolles, Sr. late in life become a Baptist minister. David Bolles, Jr.'s three brothers who reached adulthood all became Baptist ministers. While not a minister himself, David Bolles, Jr. was closely connected to the church. Perhaps his most notable contribution was his involvement with what was known as the Baptist Petition, an effort from 1802 to 1807 to end the privileged position held by the Congregational Church as the state-supported religion of Connecticut.¹

Though initially unsuccessful, the spirit behind the petition movement helped give rise a decade later to the creation of the Toleration Party in Connecticut. It was conglomeration of anti-Federalists, Jeffersonian Republicans, and Baptists, Methodists, Episcopalians, Quakers, and other dissenting denominations. David Bolles, Jr. threw himself into the work of this new party. Most notably, late in

¹ On the Baptist Petition movement, see William McLoughlin, "The Baptist Petition Movement, 1800-1807," in his *New England Dissent, 1630-1833: The Baptists and the Separation of Church and State*, (Cambridge: Harvard University Press, 1971), vol. 2, pp. 985-1005.

1816 he ran (unsuccessfully) for the Connecticut Council of Assistants on the Toleration Ticket.² The dissenters were more successful in the state's lower House of Representatives, however, where by 1817 they outnumbered the Federalists.

To the chagrin and repeated complaints of the Federalists, the change in political fortunes also meant a change in political patronage. It became possible for Republicans to be appointed to government positions (see illustration 1).



Illustration 1: The rush for offices, from the anti-Toleration *Connecticut Mirror*, 4 Jan. 1819.

² One Republican, David Tomlinson, was elected with a total of 7,686 votes. Bolles finished with 7,280. See "A new nation votes: American election returns, 1787-1825." <https://elections.lib.tufts.edu/catalog/nk322d962>, accessed 24 March 2019.

One of the annual appointments made by the General Assembly were judges for the county courts. Each county court consisted of a Chief Judge and four justices of the *quorum*.³ The appointment process initially proceeded as had it had in the past, despite the Republican victory in the previous election. Lemuel Grosvenor, a Federalist, was nominated by the Federalist majority in Windham County and subsequently appointed by the House of Representatives on 14 May 1817 to serve as one of the justices in Windham County. The following day, however, some Republican members called for a reconsideration of the appointment. After vigorous debate, this passed 113 to 84. It was then proposed that Grosvenor's name be struck and a different name be substituted. The matter was taken up on Friday, 16 May 1817. After more debate, the motion passed 110 to 85. With the position now empty, the House approved the appointment of David Bolles without further debate.⁴

Several arguments were made opposing the appointment of Grosvenor. First, he was 65 years old. It was noted the justices by law had to retire at 70, and so he would not have sufficient time to learn what was needed in the job. This was especially important in Grosvenor's case because he was not educated as a lawyer.⁵ He had been serving as a judge of probate in Windham County, but those opposed to him stated that the duties of a probate judge and those of a justice in a court of common

³ Zephaniah Swift, *A System of the Laws of the State of Connecticut* (Windham, CT: John Byrne, 1795). Vol. 1, pp. 100; digital image, *Internet Archive* (<https://archive.org/details/asystemlawsstat00swifgoog> : accessed 18 June 2019).

⁴ *American Mercury* (Hartford), 20 May 1817, p. 3; digital image, *America's Historical Newspapers* (accessed 17 March 2019). The *Mercury* declined to give the name of the original nominee, but the *Connecticut Herald* (New Haven) on 27 May 1817, p. 2, identified him as "Lemuel Grosvenor." Digital image, *GenealogyBank* (accessed 24 March 2019).

⁵ "Legislative Proceedings," *American Mercury* (Hartford, Conn.), 20 May 1817, p. 3; digital image, *America's Historical Newspapers* (accessed 15 May 2019).

pleas were sufficiently different that the experience did not matter. Lastly, he was based in Pomfret, in which a justice of the *quorum* was resident. There were no justices in Ashford, Bolles's home.⁶

Bolles, on the other, was 50 years old, "in the prime of life." He was also a lawyer in full practice. He was therefore ready to assume the full duties as a justice of the *quorum*.⁷

The defenders of Grosvenor cited the fact that he had been nominated for the position by a majority of the representatives for Windham County. The county at the time had a slight Federalist bent, and so this was perhaps not surprising. Grosvenor's defenders stressed that the legislature should defer to the wishes of those who best knew the candidate.⁸

Lurking behind the arguments was the pull of partisan politics. At the close of the legislative session, an unnamed Federalist legislator in a published letter to his constituents decried what he saw as Republican efforts to seize control of the courts and other government offices. "Should," he argued, "this intolerant set of men gain possession of the government, you may rest assured the state of Connecticut will be converted into a political slaughter-house, where every federal man of talents and integrity will be sacrificed on the altar of democratic ambition, and lust for power."⁹ On a more positive note, the anti-Federalist *American Mercury* happily noted that

The gentleman thus appointed by the popular branch of our legislature, a *Justice of Quorum*, is the *first Republican* member of the County Court who has been *introduced* into it since the election of Mr.

⁶ "Connecticut Legislature," *Connecticut Herald (New Haven, CT)*, 27 May 1817, p. 2; digital image, *GenealogyBank* (accessed 24 March 2019).

⁷ *Ibid.* I have been unable to learn how David Bolles secured his legal knowledge.

⁸ *Ibid.*

⁹ "Letter from a member of the Assembly to his constituents," *Connecticut Journal (New Haven)*, 10 June 1817, p. 1.; digital image, *America's Historical Newspapers* (accessed 19 March 2019).

JEFFERSON as President of the U States. It is hoped that it is the dawn of that *Toleration*, which extends
“equal and exact justice to all men.”¹⁰

Bolles’s increased political activity, which began in 1816 with his nomination for election to the Connecticut legislature, continued even after his appointment as a justice. In October, 1817, he was nominated by the Toleration Party as a candidate for one of the seven at-large Congressional seats at stake in the September, 1818 election. Bolles came in eighth.¹¹

1818 also saw Bolles become active again with a revitalized Baptist petition. According to the Federalist *Connecticut Journal*, Bolles presented the petition to both houses of the legislature “in a long and laboured argument.”¹² The petition was referred to committee, and eventual became moot when its issues were addressed by the convention drafting a new constitution later that year. Bolles did better on a personal basis with the legislature, however. During that same session, the new Republican majority in the House and Council of Assistants voted to reduce the number of judges in the county courts from 5 to 3. In the process, they declined to reappoint the sitting Judge in Windham County, Jabez Clark, and appointed instead David Bolles to take his place, a position that he held for the next decade.

But ill-will surrounding Bolles’s initial appointment and subsequent promotion apparently lingered. It came to the fore in December 1818, a scant eighteen months after his initial appointment as

¹⁰ "Legislative Proceedings," *American Mercury (Hartford, Conn.)*, 20 May 1817, p. 3; digital image, *America's Historical Newspapers* (accessed 15 May 2019).

¹¹ https://en.wikipedia.org/wiki/1818_United_States_House_of_Representatives_election_in_Connecticut (accessed 20 March 2019).

¹² "Proceedings of the Legislature of Connecticut," *Connecticut Journal* (New Haven), 9 June 1818, p. 1; digital image, *America's Historical Newspapers* (accessed 17 March 2019).

a justice of the *quorum* and six months after his promotion to Judge in the County Court. On 29 December 1818 the Federalist newspaper the Connecticut *Journal*, in a piece mocking the sensibilities of Republicans, noted a change in the organization of the Windham County Court:

At the close of the late session of the court of Common Pleas, for Windham County, the Presiding Judge, (David Bolles Esq. who last spring, crowded from his seat, the Hon. Judge Clarke,) with the assistance of one Justice of *Quorum*, dismissed from office, Samuel Gray Esq. late Clerk of the Court, and appointed in his stead, David C. Bolles, son of the Presiding Judge!! Mr. Gray is one of the most respectable gentlemen in Windham County, and had long discharged the duties of that Office, to universal satisfaction. But I love the People -- give me an office - ah! how pure such love is! a fine thing, to be a friend of the PEOPLE!¹³

This small notice was reprinted in other Federalist papers¹⁴ and paraphrased in the *Connecticut Mirror*, which noticed the appointment of Judge Bolles's son and further developed the *Journal's* "love of the people" theme:

We suspect the advancement of this young and hopeful sprig of Toleration, over the heads of those democrats who have borne the heat and burden of the day, will not be relished over much by the "choice spirits" in that quarter. However, many of them have yet to learn that their professions of Love for the People, means nothing more less than Love of themselves.¹⁵

The sarcasm towards Judge Bolles's actions continued in the *Connecticut Mirror* on 11 January 1819. It asked if the Toleration Party may have ordered the dismissal of Samuel Gray, since "It is impossible that

13 *Connecticut Journal* (New Haven), 29 December 1818; digital image, *America's Historical Newspapers* (accessed 17 March 2019).

14 *Connecticut Courant* (Hartford), 5 January 1819; digital image, *America's Historical Newspapers* (accessed 17 March 2019); *American Mercury* (Hartford), 12 January 1819; digital image, *America's Historical Newspapers* (accessed 17 March 2019).

15 *Connecticut Mirror* (Hartford), 4 January 1819; digital image *Genealogybank.com* (accessed 18 March 2019).

his Honor could have been so *selfish*, as to wish to remove a faithful and tried officer, *for the sole purpose of appointing his own son.*"¹⁶ In a similar vein, the *Connecticut Courant* sarcastically remarked that "It is really surprising to notice the censure bestowed upon Judge Bolles for appointing his son clerk. This was certainly to have been expected. The Judge has labored incessantly in the drudgery of democracy and has only had now and then a *bone to gnaw*, for his pains. Surely let his family have something *nourishing.*"

One week after reprinting without comment the initial article from the *Connecticut Journal* that drew attention to the appointment of David C. Bolles as clerk, the Republican *American Mercury* published its own lengthy defense of Judge Bolles's actions. First, it criticized the nepotism that had controlled the office in the past, noting that the office of clerk had been held by the Gray family for more than a century. In addition, it noted that of the sixteen clerkships in the state, this was the only one where the Federalist had been removed and replaced by a Republican. It asserted that when the Federalists were in power, "every republican with but five or six exceptions was removed from office. And every species of persecution, in the power of men to invent, was heaped upon their heads, to stigmatize their characters and drive them from the state." In short, it would be simple justice if the Republicans assumed all the offices in the state now that they were in the majority.¹⁷

The *American Mercury* defended Judge Bolles's actions on political grounds; the next defense of the judge, in the New London *Republican Advocate*, spoke to the character of the individuals involved. In the process, it opened an ongoing debate with two Federalist papers, the *Connecticut Journal* and the *Connecticut Mirror*, over Judge Bolles's actions.

16 *Connecticut Mirror* (Hartford), 11 January 1819; digital image *Genealogybank.com* (accessed 18 March 2019).

¹⁷ *American Mercury* (Hartford), 19 January 1819, p. 3; digital image, *Genealogybank.com* (accessed 16 March 2019).

The *Republican Advocate's* defense began by noting that it felt it the paper's duty to answer the charges against Judge Bolles because he was "a native citizen of this town."¹⁸ It suggested that Judge Bolles had long been a target of the Federalists:

When Judge Bolles came into office, every federalist in the county, stood with eyes, mouth and ears wide open, to find some accusation against him, but his administration of justice has been so far superior to that of his predecessor, that they were compelled to grin a kind of approbation, while those who had long been oppressed by a persecuting policy, rejoiced in the equal and impartial effect of his elevation.¹⁹

Judge Bolles's dismissal of Samuel Gray as clerk and the appointment of his own son in his stead, the paper suggested, simply gave the Federalists a new area for their on-going criticism.

Like the *American Mercury*, the *Republican Advocate* noted the long hold that the Gray family had on the office. According to the paper, "Mr. Gray's grandfather, father and himself, have held the office of Clerk of the Court of Common Pleas for about NINETY years to the exclusion of everybody else." Furthermore, Gray's brother-in-law, Judge Clark (who Bolles replaced) had appointed Gray's son Tommy as Assistant Clerk; the assumption was that he was being positioned to assume his father's office and become the 4th generation to serve as Clerk. It noted that Bolles had first contemplated removing Gray at the end of the August term of the court, but that there was no viable candidate for the post after David C. Bolles utterly refused the position. By December, he had agreed to accept the position and was appointed in Samuel Gray's place.

According to the paper, Judge Bolles explained to the Windham County bar when it was asked by a "violent unfledged federalist" to investigate the dismissal, that "for considerable time past Mr. Gray

¹⁸ This is technically not true. While Judge Bolles's father had been born in New London, he himself was born in Ashford.

¹⁹ An undated article from the New London *Republican Advocate*, republished in "Rotation in Office," *Hartford (Conn.) Times* (Hartford), 2 Feb. 1819, pp. 2-3; digital image, *Genealogybank.com* (accessed 16 March 2019).

had been a little extortionate, violating the law and his oath of office, in taking more fees for *copies* than the law would warrant.” The article concludes by noting that:

Those who know Judge Bolles, will not ask any additional evidence of his disposition to promote the public interest, and his freedom from selfish motives, when they consider he has surrendered the profits of a profession, to discharge the duties of Judge without emolument.²⁰

The *Connecticut Times*, in reprinting the *Republican Advocate* article, added that if Gray’s supporters continue to raise the issue, it might obtain and publish from the public records the evidence that supports the assertion that Gray had taken exorbitant fees. It ends with a final sarcastic comment on the tradition that maintained government offices in families: “But aside from any malpractices, what a *grievance* it is that all offices should not be permanent and perpetual, and that the hereditary succession of father to son, should be interrupted.”²¹

If the *Times* and the *Republican Advocate* had hoped that their defense of Judge Bolles would silence his critics, they were sadly mistaken. The *Connecticut Journal* immediately took note of the *Advocate’s* article and its two assertions that only David C. Bolles could serve as Clerk and that the Judge’s willingness to put aside his law practice in order to serve with salary as a judge was somehow commendable:

The last *Advocate*, a little democratic paper, printed in New-London, undertakes to commend Judge Bolles, for his modesty in appointing his son to the office of the Clerk of the County Court ; and states, that this same Clerk, probably equally modest with the Judge, at the August term, utterly refused to accept the appointment ; and “therefore the term passed without any alteration.” – What a dilemma for Windham County! If Judge Bolles had not been blessed with a son David, and if that son had not been *over persuaded* to condescend to accept the appointment, the Hon. Court would have been compelled to

²⁰ Ibid.

²¹ Ibid.

retain the old Clerk, or do without any! Perhaps young Mr. Bolles will find it as convenient to refer to Mr. Gray for information, as his father has to consult the Hon. Mr. Goddard.²² *Shame* on that mean and contemptible policy that elevates to office men unworthy of it. But Judge Bolles is not *selfish*, because “he has surrendered the profits of a profession, to discharge the duties of a Judge, without emolument.” Pray what were the *profits* of *his* profession? True, Judge Bolles, like all County Court Judges in Connecticut, holds his office without much emolument; and, like *some*, with no abundant share of honor.²³

The *Connecticut Journal* followed this short critique with a much longer analysis the following week. In “More of Judge Bolles,” the paper continued its charges of nepotism and dishonorable conduct against Judge Bolles, while adding new accusations of improper personal behavior. It first suggested that Judge Bolles himself may have been the author of the article in the *Republican Advocate*. It then reported that it was Elisha B. Perkins, Esq. of Pomfret, “a young gentleman of irreproachable character and promising talents” (apparently not a “violent unfledged federalist” as the *Republican Advocate* had reported), who proposed that the Windham County bar express its high esteem for Gray and its displeasure with the way he had been dismissed. As for Judge Bolles’s accusation that Gray had charged exorbitant fees, the paper reported that “every individual of the bar was shocked.” “Is it not a little extraordinary,” it asked, “that no person had ever discovered the fraudulent habits of Mr. Gray *before*, but that the discovery should have been left to be made by Judge Bolles, just at the moment when his son David was in want of a snug little office?” Nor did the *Journal* accept the assertion that there was no one other than David C. Bolles who might be interested in the clerk’s job. “No man,” it wrote, “who ever stepped his foot on Windham green, (where the public records must be kept) can be ignorant that

²² It is unclear as to what actions the paper is referring.

²³ *Connecticut Journal (New Haven)*, 2 February 1819, p. 3; digital image, *America's Historical Newspapers* (accessed 18 March 2019).

nearly half a dozen hungry expectants loiter around it, who would have caught with the avidity of a shark at so delicious a bait.” The *Journal* also rejected the *Republican Advocates’* position that Judge Bolles had stopped his legal practice. It suggests that Bolles prepared cases that were then presented before him by a friend, Philip Howard,²⁴ perhaps in the hope of appointment to the office of States’ Attorney.²⁵

But perhaps the most serious charge raised by the *Journal* concerned an effort by the Judge to extort money:

Some six or seven years ago, Mr. Bolles attached a Mr. Barrows of Mansfield for debt. Mr. B. was a federalist; and when he called to pay his note, Mr. Bolles told him to give him such a sum, (naming two or three dollars more than the law allowed him) or he should not see his note. Mr. Barrows replied that he wished to pay the note, and also such fees as were proper. Said Mr. Bolles, pay me so much, or you shall not see the note. Mr. Barrows finally paid the demand, and then brought an action of *assumpsit* against the Judge, for the recovery of so much of the fees as were illegal. The action was tried before the late Justice Swift, and notwithstanding as it was an action of *assumpsit*, he could recover no more than the amount illegally taken from him, yet the circumstances of the case were so flagrant, that the court gave vindictive damages, and the plaintiff was allowed to recover *double* the amount illegally charged.²⁶

A similar damning personal anecdote about Judge Bolles soon appeared in the *Connecticut Mirror* in another article attacking the defense that appeared in the *Republican Advocate*. According to the *Mirror*:

²⁴ The *Connecticut Journal* implies that “Philip Howard” may actually be P. Haywood. *Connecticut Journal* (New Haven), 16 February 1819, p. 3; digital image, *America's Historical Newspapers* (accessed 17 March 2019).

²⁵ *Connecticut Journal* (New Haven), 9 March 1813; digital image, *America's Historical Newspapers* (accessed 17 March 2019).

²⁶ *Ibid.*

In the Summer of 1817, the Judge sold a quantity of flax-seed, for which he was to receive oil in payment. Mr. Bolles went for the oil himself, at a time when the gentleman who had purchased the flax-seed, was absent. One of his sons, a youth, attended upon Judge to put up the oil. When they came to measure the oil, the Judge informed the lad that as he did not know that the measure used by his father, had been sealed according to law, he had brought along a measure of his own, which had just been sealed, and he knew it to be correct; and insisted on measuring the oil he was to receive, in his own measure. The boy, anxious to have his father's measure correct, compared it with that brought by the Judge, and found that it held considerably more than that belonging to "*his honor*." On discovering this, the Judge forgot all about the *seal*, and positively declined having the oil put up with his own measure ; nor could the boy persuade him other than to have the oil measured in that belonging to his father. Now there was no "*selfishness*" here, gentlemen. Oh no. "Upright Judge!" Our informant adds: "Mr. Gray would not have done so."²⁷

The *Republican Advocate* was not impressed by this attack on Judge Bolles's character, noting that the charge against Bolles was merely that he used the oil merchant's measure and not his own. It marveled that the editor of the *Mirror* could think this such a serious matter: "By jupiter what an anecdote. And Mr. Stone [the editor of the *Mirror*] strokes down his face and gravely says, '*the Judge dare not deny it*'!".²⁸

In March, both the *Connecticut Journal* and the *Connecticut Mirror* continued their attacks on Judge Bolles, and the *Republican Advocate* continued to come to his defense, but with little new to add to the charges of Republican patronage and personal dishonor. Apparently, the *Republican Advocate*

²⁷ Connecticut Mirror (Hartford, CT), 15 February 1819, p. 3, column 1; digital image, GenealogyBank (accessed 16 March 2019).

²⁸ Undated *Republican Advocate* article, republished in Connecticut Journal (New Haven), 23 February 1819, p. 2, col. 2; digital image, *America's Historical Newspapers* (accessed 18 March 2019).

asserted at some point that the *Connecticut Journal's* informant had "been led home *drunk* from a supper, to which the *Journal* responded, "we have only to say that he is a gentleman of unsullied reputation, and we shall leave him to settle that matter with the printers."²⁹

With that, the war of words between the Federalist and Republican newspapers over the appointment first of David Bolles as Judge and his son David C. Bolles as Clerk of the Superior Court came to an end. A year that began in controversy was capped with success. Not only did David Bolles continue as the Judge of the County Court, but in September, 1819 he was awarded an honorary A.M. degree from Brown University.³⁰ Was it in recognition of his legal success, his efforts on behalf of the Baptist petition over the past two decades, or his role in promoting the Republican party in Connecticut? We do not know. But it certainly must have felt like a sweet victory after two tumultuous years.

And what of David C. Bolles, his son and erstwhile Clerk of the Court? In 1824, he was given the additional appointment as Clerk for Windham County of the Superior Court. And who was the man he replaced? None other than Samuel Gray, the same man whose position he took late in 1818. He continued in both roles until 1830, when he left Connecticut after studying at the Newton Seminary in Massachusetts and becoming an ordained Baptist minister. Fortunately, an Assistant Clerk who could step up and take his place had been appointed by the Windham County Court a few years before: Armin Bolles, David C. Bolles's brother (and my second great-grandfather). Armin was later appointed to his brother's other office as Clerk for the Superior Court. He subsequently added the office of Clerk of the Probate Court in 1835. He served in all offices until 1836, when he briefly left Connecticut for a position

²⁹ "Judge Bolles," *Connecticut Journal* (New Haven), 23 March 1819, pp. 2-3; digital image, *America's Historical Newspapers* (accessed 17 March 2019).

³⁰ Brown University, "Brown University, The Corporation of Brown University" (<https://www.brown.edu/about/administration/corporation/> : accessed 6 February 2019).

in the Post Office in Washington, D.C. With that, nepotism in the clerk's office ended – until 1846, when Tommy (now Thomas) Gray, son of former clerk Samuel Gray and the Gray family member who had been groomed for the post over 25 years before, finally became the fourth generation of the Gray family to assume the post.